

### REMARKS

This responds to the Office Action mailed on September 20, 2007.

Claims 1, 9, 17, 23, 25, and 32 are currently amended; claims 2, 6, 18, 22, 24, 28, 31, and 33 have previously been canceled, and claims 35-43 are newly added; as a result, claims 1, 3-5, 7-17, 19-21, 23, 25-27, 29-30, and 35-43 are now pending and subject to examination in this application.

### Interview Summary

The Applicant would like to thank Examiner Najarian for the courtesies extended to Applicant's representative David D'Zurilla during a first telephonic interview on December 28, 2007. Ms. Najarian and Mr. D'Zurilla discussed claim amendments proposed by Mr. D'Zurilla, and Mr. D'Zurilla faxed the proposed claim amendments (for claim 1) to Ms. Najarian for her review. No agreement on the claims was reached.

The Applicant would like to thank Examiner Najarian for the courtesies extended to Applicant's representative Mr. D'Zurilla during a second telephonic interview on December 28, 2007. Ms. Najarian telephoned Mr. D'Zurilla to inform him that she had reviewed the proposed claim amendments to claim 1, and to further inform him that the proposed claim amendments should be submitted in a written response to the current Office Action. Ms. Najarian stated that a further search would have to be conducted. No agreement on the claims was reached.

### §112 Rejection of the Claims

Claims 1, 3-5, 7, and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action states that it is unclear to the Examiner how the step of formatting provides ergonomic actuators within medical records. The Office Action requests clarification.

Claim 1 has been amended to recite that the medical records are formatted for electronic presentation on a display screen of a mobile terminal, and that the ergonomic actuators are electronically displayed on the display screen of the mobile terminal. Since the formatting provides medical records for electronic presentation on a display screen, and the ergonomic

actuators are electronically displayed on that display screen, the formatting of the records can provide ergonomic actuators within these medical records on the display screen.

In response to paragraph 4 on page 3 of the Office Action, the Applicant has amended claims 1 and 9 to recite that the ergonomic actuators are displayed on a display screen of the mobile terminal.

The Applicant respectfully submits that these amendments clarify the relationship between an electronic formatting and an electronically displayed ergonomic actuator. The Applicant further respectfully submits that these amendments clarify that the display of the ergonomic actuators are on a display screen of a mobile terminal. The Applicant respectfully requests the withdrawal of the rejections of claims 1, 3-5, 7, and 8 under 35 U.S.C. § 112.

§103 Rejection of the Claims

Claims 1, 4-5, 7-9, 15-17, 19, 21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Brown (U.S. Patent No. 5,918,603).

The Office Action contends that Brown discloses “ergonomic actuators, displayable on the mobile terminal within said medical records, wherein each ergonomic actuator is large enough to allow actuation via a user’s finger.” The Applicant respectfully disagrees. The Applicant believes that the claims differentiate over the cited reference because the claims recite that the medical records are presented on the mobile terminal. However, to more particularly point out this difference between the claimed subject matter and the cited reference, the claims have been amended to recite that the medical records are formatted for *electronic* presentation on a *display screen* of a mobile terminal, that the formatting provides *electronically* displayed ergonomic actuators on the *display screen* of the mobile terminal, and that the ergonomic actuators are displayed within the medical record on the terminal. Since the medical records are electronically displayed on the terminal, and the ergonomic actuators are electronically displayed within the medical records, the physical button of Brown cannot be the recited ergonomic actuator of the claimed subject matter.

The Applicant respectfully submits that the claims are in a condition for allowance, and respectfully requests a notice to that effect.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Brown (U.S. Patent No. 5,918,603), and further in view of Walker et al. (U.S. 6,302,844 B1).

Claims 10-14 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Brown (U.S. Patent No. 5,918,603), and further in view of Chesanow ("PDAs for Doctors: Your ticket to fast, flawless prescribing").

The Applicant respectfully submits that since independent claims 1, 9, and 17 are allowable over Ballantyne et al. in view of Brown as illustrated above, then claim 3 which is dependent on claim 1, claims 10-14 which are dependent on claim 9, and claim 20 which is dependent on claim 17, are also allowable over the cited art.

Claims 25-27 and 29-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Kilgore et al. (U.S. 2002/0072911 A1).

Claims 32 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne et al. (U.S. Patent No. 5,867,821) in view of Felsher (U.S. 2002/0010679 A1), and further in view of Kilgore et al. (U.S. 2002/0072911 A1).

Claims 25 and 32 have been amended to recite that the ergonomic actuators are pictorial in nature. Neither Kilgore et al. nor Felsher discloses pictorial actuators. The Applicant respectfully submits that these amendments overcome the rejection of claims 25-27, 29-30, 32, and 34, and respectfully requests the withdrawal of the rejection of these claims.

### **RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference.

Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2140 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

January 17, 2008

By

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of January 2008.

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